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10/814,420	03/31/2004	Erik D.N. Monsen	F-803	5680
919	7590	10/06/2008	EXAMINER	
PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			SALIARD, SHANNON S	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,420	<b>Applicant(s)</b> MONSEN ET AL.
	<b>Examiner</b> SHANNON S. SALIARD	<b>Art Unit</b> 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 May 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 and 5-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1668)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant has amended claims 1, 5, and 7 and cancelled claim 4. Claim 24 has been newly added. Thus, claims 1-3 and 5-24 remain pending and are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1-3 and 5-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 5, 6, 8, 10, 12-15, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al [US 6,430,543] in view of Ryan, Jr. [US 2002/0026430], Gawler [US 2002/0010687], and Pinstov [US 6,463,354].

As per **claim 1**, Lee et al discloses (a) placing an identification code on individual mail pieces with a postage meter at a location other than the post office, wherein the identification code identifies the sender of the mail piece and uniquely identifies individual mail pieces [col 3,lines 19-25; col 5, lines 32-45]; (b) placing the identification

codes of the mail pieces in a manifest [col 4, lines 20-44]; (c) transmitting the identification codes to a data center [col 4, lines 20-27]; (d) depositing one or more mail pieces with the post office at the post office or at a location other than the post office [col 3, lines 21-25]; (e) attempting reading by the post office at a location other than the post office or at the post office the identification codes in the manifest ; (f) attempting reading by the post office at a location other than the post office or at the post office the identification code that is on one or more mail pieces [col 5, lines 48-57]; (g) retrieving the identification codes from the data center and the identification codes read by the post office [col 5, line 64 – col 6, line 9]. Lee et al does not explicitly disclose depositing the manifest with the post office at the post office or at a location other than the post office. However, Lee et al discloses printing a hard copy of the secure electronic manifest to be conveyed [col 4, lines 20-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lee et al to include disclosing depositing the manifest with the post office at the post office or at a location other than the post office for redundancy purposes.

While Lee et al discloses placing an identification code on individual mail pieces with a postage meter [col 3, lines 19-25; col 5, lines 32-45], Lee et al does not disclose wherein the identification code identifies a service requested for the mail piece. However, Ryan, Jr. discloses placing an identification code on a mail piece with a postage meter wherein the identification code identifies a service requested for the mail piece [0029; variable indicium on mail piece includes an indication of service class]. It would have been obvious to one of ordinary skill in the art to include in the postage

system of Lee et al the ability to print an identification code that identifies a service requested for the mail piece as taught by Ryan, Jr. since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Lee et al does not further disclose (h) notifying the postage meter that individual identification codes have been received by the data center and individual mail pieces identification codes have been read or not read by the post office. However, Gawler discloses a mail preparation system that includes a PSD and computer for printing postage indicia on a mail piece wherein the preparation system receives an acknowledgment message that the postal authority has received information regarding individual mail items and when the postal authority has collected and inducted the mail items, the postal authority sends an acceptance message to the mail preparation system [0042; 0048; 0056; 0068-0073]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lee et al to include the method disclosed by Gawler. Gawler provides the motivation that it is desirable to be able to determine the stage reached by any batch of mail and to check that there has not been a failure in the communication of any of the messages [0075].

While Lee et al, Ryan, Jr. and Gawler discloses placing an identification code on a mail piece with a postage meter wherein the identification code identifies a service requested for the mail piece [Ryan, Jr: 0029; variable indicium on mail piece includes an indication of service class], Lee et al, Ryan, Jr. and Gawler do not further disclose

further including the step of: printing at the postage meter a certificate indicating the identification code that has been read by the post office and the service requested for the mail piece. However, Pinstov discloses sending data, indicating that an identification code has been read by the post office [col 5, lines 14-25; 40-50]. It is known that data sent to a computer may be printed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lee et al and Gawler to include the method disclosed by Pintov and to include printing for legal verification.

As per **claim 2**, Lee et al further discloses wherein the postage meter is an electronic postage meter [col 3, lines 19-25].

As per **claim 3**, Lee et al does not further disclose wherein the postage meter is a computer postage meter with a secure storage device. However, Gawler discloses that the postage meter is a computer with a PSD [0042; 0056]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of modified Lee et al to include the method disclosed by Gawler to perform accounting in respect to the dispensing of postage charges [0042].

As per **claim 5**, Lee et al, Ryan, Jr. and Gawler do not further disclose further including the step of: printing on the certificate the date the mail piece was read. However, Pinstov discloses a sending data, indicating that an identification code has been read by the post office [col 5, lines 14-25; 40-50]. It is known that data sent to a computer may be printed. Therefore, it would have been obvious to one of ordinary skill

in the art at the time of the invention to modify the invention of modified Lee et al to include the method disclosed by Pintov and to include printing for legal verification.

As per **claim 6**, Lee et al, Ryan, Jr. and Gawler do not further disclose further including the step of: printing on the certificate the time the mail piece was read. However, Pinstov discloses a sending data, indicating that an identification code has been read by the post office [col 5, lines 14-25; 40-50]. It is known that data sent to a computer may be printed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lee et al and Gawler to include the method disclosed by Pintov and to include printing for legal verification.

As per **claim 8**, Lee et al further discloses wherein the identification code is a unique number [col 3, lines 19-25].

As per **claim 10**, Lee et al further discloses further including the steps of: (a) printing a postal indicia on the mail piece for the payment of postage and any related postal fees [col 5, lines 32-38]. Lee et al does not explicitly disclose (b) charging the postage meter for printing the postal indicia. However, Gawler discloses a PSD to perform accounting and dispensing of postal charges [0042]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lee et al to include the method disclosed by Gawler to perform accounting [0042].

As per **claims 12-14**, Lee et al does not disclose further including the step of: notifying the mailer via telephone, e-mail, and/or fax that individual identification codes have been received by the data center, and individual mail pieces' identification codes

have been read or not read by the post office. However, Gawler discloses notifying the mailer that a batch of mail has been received [0073]. Furthermore, notification by telephone, e-mail, and/or fax is commonly used in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lee et al to include notifying the mailer via telephone, e-mail, and/or fax that individual identification codes have been received by the data center, and individual mail pieces' identification codes have been read or not read by the post office. Gawler provides the motivation that it is desirable to be able to determine the stage reached by any batch of mail and to check that there has not been a failure in the communication of any of the messages [0075].

As per **claim 15**, Lee et al further discloses further including the steps of: identifying the mailer's reference number of the document contained in the mail piece [col 4, lines 31-49].

As per **claim 24**, Lee et al does not further disclose wherein the service requested is certified mail. However, Ryan, Jr. discloses placing an identification code on a mail piece with a postage meter wherein the identification code identifies the mail piece as certified mail [0029; variable indicium on mail piece includes an indication of service class]. It would have been obvious to one of ordinary skill in the art to include in the postage system of Lee et al the ability to print an identification code that identifies a service requested as certified mail as taught by Ryan, Jr. since the claimed invention is merely a combination of old elements, and in the combination each element merely

would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

6.     **Claims 7, 11, 17-19, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al [US 6,430,543] in view of Ryan, Jr. [US 2002/0026430], Gawler [US 2002/0010687], and Pinstov [US 6,463,354] as applied to claim 1 above, and further in view of Montgomery et al [US 2003/0101147].

As per **claims 7, 16, and 17**, Lee et al, Ryan, Jr., Gawler, and Pinstov et al do not disclose further including the step of: printing at the postage meter a certificate indicating that the identification code has not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter and printing the mailer's reference number and name on the certificate of induction. However, Montgomery et al discloses printing information indicating that a particular mail piece has not been read after a certain time and identifying the mailer's reference number [0186, Table 3]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of the modified Lee et al to include printing at the postage meter a certificate indicating that the identification code has not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter so that a user is aware of the status of the mail piece.

As per **claim 11**, Lee et al, Ryan, Jr., Gawler, and Pinstov et al do not disclose further including the step of: refunding the postage meter account for part or all of the postage and fees that have been placed on mail pieces having identification codes that have not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter. However, Montgomery et al discloses refunding a postage meter for fees that have been placed on a mail piece that has not been read [0187-0189]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of modified Lee et al to include the method disclosed by Montgomery et al so that a user does not have pay for mail that does not reach its destination.

As per **claims 18, 19, and 21**, Lee et al, Ryan, Jr., Gawler, and Pinstov et al do not disclose further including the step of: (a) printing at the postage meter a certificate indicating that the identification code from the manifest that has been read by the post office; and (b) printing the mailer's reference number and name on the certificate of induction. However, Lee discloses sending a notification that a mail piece has been read to a user's computer [0042; 0048; 0056; 0068-0073]. It is old and well known for a user to print information from his/her computer. Furthermore, Montgomery discloses providing a mailer's reference number [0186, Table 3]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of modified Lee et al to include the method disclosed by Montgomery et al so that a user can have a copy for his/her records.

7.       **Claims 9 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al [US 6,430,543] in view of Ryan, Jr. [US 2002/0026430], Gawler [US 2002/0010687], and Pinstov [US 6,463,354] as applied to claim 1 above, and further in view of Official Notice.

As per **claim 9**, Lee et al further discloses wherein the identification code comprises: the serial number of the postage meter, and the date that the identification code was affixed to the mail piece [col 5, lines 32-38]. Lee et al, Ryan, Jr., Gawler, and Pinstov et al does not disclose the identification code includes the time. However, the Examiner takes Official Notice that it is old and well known in the postage art at the time of the invention that the id code contains the time that the postage mark was affixed to a mail piece. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of modified Lee et al to include the time for traceability.

As per **claim 20**, Lee et al, Ryan, Jr., Gawler, and Pinstov et al do not disclose wherein the identification code comprises: a United States Special Service Tracking Number. However, it is old and well known in the art at the time of the invention that United States Special Service Tracking Number are used as identification on mail pieces. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of modified Lee et al to include wherein the identification code comprises: a United States Special Service Tracking Number for security purposes.

8. **Claims 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al [US 6,430,543] in view of Ryan, Jr. [US 2002/0026430], Gawler [US 2002/0010687], Pinstov [US 6,463,354], and Montgomery et al [US 2003/0101147] as applied to claim 21 above, and further in view of Dlugos, Sr. et al [U.S. 5,153,842].

As per **claims 22 and 23**, Lee et al, Ryan, Jr., Gawler, and Pinstov et al do not disclose further including the step of: printing at the postage meter the date and time the manifest has been read by the post office. However, Dlugos, Sr. et al discloses a postal carrier picks up a manifest and reads it and records the date and time [col 13, lines 34-50]. Furthermore, it is old and well known to print information displayed on a computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of modified Lee et al to include the method disclosed by Dlugos, Sr. et al for verification.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shannon S Saliard

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